

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**CHARAIL McDANIEL, #1232015**

§

**VS.**

§

**CIVIL ACTION NO. 5:06cv135**

**JAMES D. BARTON, ET AL.**

§

**ORDER**

Came on for reconsideration, the Court's denial of the Plaintiff's motions for appointment of counsel. "There is no automatic right to the appointment of counsel in a section 1983 case. Furthermore, a district court is not required to appoint counsel in the absence of 'exceptional circumstances' which are dependent on the type and complexity of the case and the abilities of the individual pursuing that case." *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987). However, the local bar is willing and the Court believes that assistance of counsel during the pretrial conference, jury selection and trial phase will be of service to both the parties and the Court "by sharpening the issues in the case, shaping the examination of witnesses and, thus, shortening the trial and assisting in a just determination." *See Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982). It is therefore

**ORDERED** that Ben King is appointed to represent the Plaintiff in this matter. Counsel is instructed to keep an accurate record of his fees and expenses for reimbursement in accordance with the *Plan for the Reimbursement of Attorney's Fees and Expenses in Non-Criminal Justice Act Cases*.

**SIGNED this 11th day of July, 2007.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE